APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,315	12/15/2003	Thomas E. Creamer	BOC9-2003-0080 (454)	5476

40987 7590 04/26/2007		EXAMINER	
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P. O. BOX 3188			
WEST PALM BEACH, FL 33402-3188		ART UNIT	PAPER NUMBER
		2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) <u>4, 10 and 16</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3, 5-9, 11-15, 17 & 18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 5, 6, 7, 11, 12, 13, 17 & 18 are rejected under 35 U.S.C. 102(e) as

being anticipated by Williams et al. (US20030212561A1).

1.1   Regarding Claim 1, Williams discloses a method of verifying software program

operations during execution of a voice response system comprising:

Gathering at the voice response system execution information [i.e., selecting

VXML application comprising one or more tags based on received test code: Step 410

Figure 6] [VXML application contains one tag Figure 3 or more tags Figure 7]

associated with VXML based Banking Application Software Program [Figure 7];

wherein VXML application identifies computer programs and modules used by

voice response system (i.e., programs and modules executed for providing balance

information or providing mortgage rate information or transferring the call to the agent)

during the step of executing VXML based Banking Application Software Program

[executing steps or sequences: Figure 7]; and

Sending the VXML application to the test system over the voice link [VXML

application must be sent to the test system because the test system generates the test

scripts from IVR's VXML application to test IVR system: 0104] [Also see 0063-0066]

wherein VXML application pertains to the execution of the VXML application based

Banking Application Software Program on the voice response system;

Establishing a voice link between a test system and the voice response system

via Audio Telephony interface [Figure 3];

Executing VXML application based Banking response program [Figure 3, 7 & 9]

in the voice response system to determine a voice prompt to play over the established

voice link;

Performing speech recognition at the test system to recognize the voice prompt

played over the established link and covert the voice prompt to text [Converting IVR

audio response to text: 0053].

1.2   Claim 7 is the apparatus claim rejected for the same reasons as stated above in

Claim 1 rejection because the steps performed by claimed means are substantially

closed to corresponding claimed steps of Claim 1. Therefore, William's system must

comprise claimed means as stated in Claim 7.

1.3   Claim 13 is rejected for the same reasons as stated above in Claims 1 and 7

rejections because the claims steps substantially read on the corresponding steps of

Claims 1 and 7. It is obvious to one of ordinary skill in the art that, the William system comprises a machine-readable storage as claimed because the system is computer-based system.

1.4   Claims 5, 6, 11, 12, 17 & 18 are rejected for the same reason as stated above in Claim 1 rejection. William discloses comparing speech recognized voice prompts (i.e., execution information) received from IVR with original voice prompts by comparing corresponding audio-to-text converted VXML pages [William: 0053-0054].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2, 8 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US20030212561A1) in view of Neary (US20020076008A1).

2.1   Regarding Claims 2, 8 & 14, Williams teaches that input script such as frequency tone to test IVR system [push one to get a balance: 0081]. Williams dose not explicitly teaches execution information is specified using one or more dual tone multi-frequency signals.

Neary teaches the method of specifying information using dual tone multi-

frequency signals [Figure 4-6]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of invention of made to modify Williams system and

the method as claimed to specify information using dual tone multi-frequency signals as

taught by Neary. One of ordinary skill in the art at the time of invention of made to do

this to transmit information in DTMF format.

3.   Claims 3, 9 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Williams et al. (US20030212561A1) in view of Neary (US20020076008A1), in view of

Dodrill et al. (US006697964B1).

3.1   Regarding Claims 3, 9 & 15, modified system and method teaches testing VXML

based IVR system and IVR system is performed and provided voice prompted based on

information defined in VXML file. Dodrill also teaches that VXML file includes path and

address names and method of calls such as calling to prompt audio wave file from

defined location [Figure 2]. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of invention of made to further modify the system to specify the

corresponding computer programs and modules as taught by Dodrill. One of ordinary

skill in the art at the time of invention of made to do this to call and retrieve the voice

files from web-based programs and modules.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Aung T. Win whose telephone number is (571) 272-
7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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April 18, 2007